

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant(s): RENZI , et al. Confirmation No.: 9072
Application No.: 10/810,755 Group Art: 1647
Filing Date: March 26, 2004 Examiner: R.M. Deberry
Title: USE OF ERYTHROPOIETIN IN STROKE RECOVERY

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In compliance with the Election/Restriction Requirement mailed January 12, 2007, wherein the Examiner divided the pending claims 1-58 into four groups:

- I. Claims 1-24, drawn to a method treating a subject having an ischemic event comprising administering EPO;
- II. Claims 25-36, drawn to a method for promoting functional recovery in a subject after an ischemic event comprising administering EPO;
- III. Claims 37-48, drawn to a method for reducing infarct size in a subject comprising administering EPO; and
- IV. Claims 49-58, drawn to a method for inhibiting apoptosis or inflammation in the CNS in subject comprising administering EPO,

Applicants hereby elect claims 1-24 to be examined at this time without traverse. Applicants reserve the right to prosecute the remaining claims in a divisional application.

Claims 25-58 are withdrawn from examination.

Claims 1-24 are pending.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

A petition for a one (1) month extension of time for responding to the Official Action is herewith submitted.

The Commissioner is hereby authorized to charge Johnson & Johnson Deposit Account No. 10-0750/PRD2052USNP/YR for the costs incurred with this filing. If there are any additional charges or credits in connection with this filing, the Commissioner is hereby authorized to charge/credit the Johnson & Johnson deposit account noted above.

Respectfully submitted,

By: /Yunling Ren
YUNLING REN
Reg. No. 47,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-3385

Dated: February 16, 2007
Epm